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**BZA-1858  
ERIC HOLT  
Variances**

**STAFF REPORT  
June 21, 2012**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owners, is requesting the following variances to both legitimize the existing single-family dwelling and permit a new garage and living space addition:

1. To permit a street frontage setback of 10.4' from Ridgewood Drive instead of the minimum required 25' to legitimize the existing house; (UZO 4-2-2)
2. To permit a side setback of 5' instead of the required 6' for the existing house (UZO 4-2-2); and
3. To permit a street frontage setback of 12' instead of the minimum required 25' for a proposed new addition onto the existing house (UZO 4-2-2).

The property is located in the Golden Hills Addition, bordered by the Hills & Dales neighborhood to the south, at 640 Ridgewood Drive in West Lafayette, Wabash 18 (NW) 23-4. The property has frontage on two dead-end streets: Ridgewood Drive and Woodland Avenue.

**AREA ZONING PATTERNS:**

This property and all surrounding area is zoned R1, single family residential.

**AREA LAND USE PATTERNS:**

A single-family home currently undergoing renovation is located on the site. Single-family dwellings, most of which were built before 1940 dominate this area of West Lafayette.

This area of West Lafayette is prone to variance requests because many of the lots do not meet current development standards in addition to being platted with extra large street frontage setbacks. There have been 10 variances for setbacks in the Hills and Dales and surrounding neighborhoods since 1989; the most recent of these requests, at the southwest corner of Woodland and Hillcrest to approve a smaller side setback for a third car garage addition was withdrawn.

**TRAFFIC AND TRANSPORTATION:**

This lot has street frontage on two dead-end roads: Woodland and Ridgewood, both local roads with 25' setbacks. Petitioner's existing two car garage, which is accessed from Ridgewood, has been determined to be structurally unsound; a letter from Arkor Engineers states the garage is not "adequate for the weight of automobiles."

The UZO requires two parking spaces for a single-family residence. These spaces must

be located outside of the front setback and off-street. Petitioner's current driveway is 40' long, which is adequate to park two cars, side by side, outside of the 25' front setback.

#### **ENVIRONMENTAL CONSIDERATIONS:**

The site has a severe change in elevation from the front of the house on Ridgewood to the rear of the house facing Woodland; the house fronts as a single-story ranch, the rear appears as a multi-story home. Petitioner's engineer has stated that while the garage is not suitable for cars, it can be retrofitted to support living space. The benefit to petitioner utilizing the previous garage space is that it would be ideal for a handicapped accessible bedroom because there is no elevation change from the street and can be designed with a zero-step entry.

#### **STAFF COMMENTS:**

Petitioner's first two requests are to legitimize the existing home, a situation that has existed since 1957 when assessors records show the home was constructed. Unless additional property can be purchased to meet required setbacks, staff can usually not fault the property owner for a situation that existed over 50 years ago. Additionally, in this instance, the front setback involved in variance request #1 is at the end of a dead-end street and poses no issues with sight distance for neighbors and the side property line in variance #2 is heavily wooded.

Petitioner's engineer has indicated that the existing garage off of Ridgewood is a "concrete slab elevated over a two story open space to a dirt floor" and that this type of construction is not typical of residential construction. Petitioner intends on converting that garage, which has no elevation change from the road to the structure, into a handicapped accessible living space. Petitioner will then construct a new attached garage at the rear of the house, accessed via Woodland, 12' from the right-of-way instead of the required 25'.

The Unified Zoning Ordinance requires two parking spaces for a single-family dwelling. The parking spaces must be outside of the minimum front setback. However, petitioner does have adequate area in the driveway off Ridgewood to meet this requirement and the ordinance does not require that the parking spaces be located under roof. While staff recognizes the desire to update older homes in this part of West Lafayette and commends petitioner for his plans to make the house handicapped accessible, because the ordinance requirements regarding parking can be met without construction of a new garage, staff cannot find a hardship.

Regarding the ballot items:

1. The Area Plan Commission at its June 19, 2012 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Because variances #1 & #2 are legitimizing a home that was built in 1957 and has existed since then without incident, granting these variances **WILL NOT** be injurious

to the public health, safety, and general welfare of the community. Because there are no neighbors on the south side of the property, the proposed addition, though 13' closer to the road than required by the Ordinance, will not negatively affect the travelling public on two dead-end streets. Granting variance request #3 also **WILL NOT** be injurious to the public health, safety, and general welfare of the community

3. Use and value of the area adjacent to the property included in all three variance requests **WILL NOT** be affected in a substantially adverse manner. Legitimizing the existing home which was been on the site since 1957 and permitting an addition that is no closer than a neighboring detached garage will have no negative effect on neighboring properties at the end of two dead-end streets.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the same zoning district. This property is unique in two different ways: the elevation change from the front of the house to the rear and two frontages on dead-end streets.
5. With regard to variance requests #1 & #2, strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. While the home is legally non-conforming and may continue to exist, if it were destroyed it could not be rebuilt in its current location. There **IS NO** hardship in variance request #3 because the property can meet ordinance parking requirements with or without the existing garage.

**Note:** Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved in variance requests #1 & #2 **ARE NOT** self-imposed. The home, built in 1957, and its location in relation to setbacks, is not a self-imposed situation. However, there **IS** a self-imposed hardship in variance request #3. Petitioner's letter from the engineer recognizes that while the existing garage was not constructed in a manner that is typical for residential construction, it could be rebuilt to accommodate modern cars, though "not economically viable."

5b. Because variance requests #1 & #2 will serve to legitimize conditions that have existed since 1957, these requests **DO** provide only the minimum relief needed to alleviate the hardship. There is no minimum relief with regard to variance request #3 as there is no ordinance-defined hardship.

**STAFF RECOMMENDATION:**

Variance request #1: Approval

Variance request #2: Approval

Variance request #3: Denial

If variance #3 is approved, staff recommends the following condition:

1. Before applying for an Improvement Location Permit, petitioner must obtain a driveway permit from the West Lafayette City Engineer's office.